

1 John Metsker, Esq., CA SBN 268977  
2 THE METSKER LAW FIRM  
3 P.O. Box 590881  
4 San Francisco, CA 94159  
5 Phone: 866-342-6180  
6 jmetsker@metskerlaw.com  
7 *Attorney for Plaintiff, Admitted Pro Hac Vice*

8 Tiffany Gayle Doctors, Esq., NV SBN 14363  
9 411 E. Bonneville Ave., Suite 410  
10 Las Vegas, NV 89101  
11 Phone: 702-382-2030  
12 tgd@weltlaw.com  
13 *Designated Resident Counsel for Plaintiff*

14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA

16 VALERY D. HUGINS,  
17 Plaintiff,

18 v.

19 COMMISSIONER OF SOCIAL  
20 SECURITY,  
21 Defendant.

Case No. 2:24-cv-00734-MDC

AMENDED STIPULATION AND  
[PROPOSED] ORDER FOR THE  
AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT, 28 U.S.C.  
§ 2412(d)

22 IT IS HEREBY STIPULATED by and between the parties through their  
23 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
24 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),  
25 in the amount of FOUR THOUSAND ONE HUNDRED EIGHTY THREE  
26 DOLLARS AND NO CENTS (\$4,183.00) and no costs or expenses under 28  
27 U.S.C. § 1920. These amounts represent compensation for all legal services  
28 rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection

1 with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.

2 As evidenced by the attached itemized statement of attorney time, this  
3 stipulation represents compensation for 17.1 hours of attorney time compensated at  
4 an inflation-adjusted EAJA rate of \$244.62 per hour. *See*  
5 <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (calculating  
6 inflation-adjusted EAJA rates by year). The parties mutually agree that the  
7 stipulated fees represent a reasonable amount of compensation for work performed  
8 by the plaintiff's attorney in this matter.

9 After the Court issues an order for EAJA fees to Plaintiff, the government  
10 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to  
11 Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to  
12 honor the assignment will depend on whether the fees, expenses are subject to any  
13 offset allowed under the United States Department of the Treasury's Offset  
14 Program. After the order for EAJA fees and expenses is entered, the government  
15 will determine whether they are subject to any offset.

16 Fees and expenses shall be made payable to Plaintiff, but if the Department  
17 of the Treasury determines that Plaintiff does not owe a federal debt, then the  
18 government shall cause the payment of fees to be made directly to John D. Metsker,  
19 pursuant to the assignment executed by Plaintiff. Any payments made shall be  
20 delivered to Plaintiff's counsel.

21 This stipulation constitutes a compromise settlement of Plaintiff's request for  
22 EAJA attorney fees and expenses, and does not constitute an admission of liability  
23 on the part of Defendant under the EAJA. Payment of the agreed amount shall  
24 constitute a complete release from, and bar to, any and all claims that Plaintiff  
25 and/or Plaintiff's counsel may have relating to EAJA attorney fees, costs and  
26 expenses in connection with this action.

27 This award is without prejudice to the rights of Plaintiff's counsel to seek  
28 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset

provisions of the EAJA.

In accordance with Supreme Court's stated preference for stipulated outcomes in fee shifting cases, the undersigned counsel for the parties respectfully request that the stipulated amount be approved as a reasonable fee in this matter. *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) ("A request for attorney's fees should not result in a second major litigation. Ideally, of course, litigants will settle the amount of a fee.")

Respectfully submitted,

Dated: December 12, 2024

/s/ John David Metsker  
JOHN DAVID METSKER  
Attorney for Plaintiff

Dated: December 12, 2024

/s/ Michael J. Mullen\*  
MICHAEL J. MULLEN  
\*As authorized via email on December 12, 2024  
Special Assistant United States Attorney  
Attorney for Defendant

**ORDER :** The Court finds the stipulated fees are reasonable per 28 USC 2412(b) and therefore, the Stipulation is GRANTED. Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATE: 12-16-24

  
MAXIMILIANO D. COUVILLIER, III  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is P.O. Box 590881, San Francisco, CA 94159. I am not a party to the above-entitled action. On the date set forth below, I caused service of AMENDED STIPULATION AND [PROPOSED] ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) upon the following individuals via CM/ECF:

Blaine T Welsh    blaine.welsh@usdoj.gov, CaseView.ECF@usdoj.gov,  
Danielle.Bleecker@usdoj.gov, allyson.beyer@usdoj.gov,  
angelina.villalpando@usdoj.gov, dionne.white@usdoj.gov,  
liam.pisan@usdoj.gov, maria.covarrubias@usdoj.gov,  
maritess.recinto@usdoj.gov, vera.minkova@usdoj.gov

Tiffany Gayle Doctors    tgd@weltlaw.com

Michael James Mullen    michael.j.mullen@ssa.gov, ogc.dinv@ssa.gov

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 12, 2024.

/s/ John David Metsker  
JOHN DAVID METSKER  
Attorney for Plaintiff